

Message Text

CONFIDENTIAL

PAGE 01 IAEA V 00895 031621Z

51

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AMEMBASSY TOKYO

C O N F I D E N T I A L IAEA VIENNA 0895

E.O. 11652: GDS

TAGS: PARM TECH IAEA JA

SUBJECT: JAPAN-IAEA NEGOTIATION OF NPT SAFEGUARDS AGREE-
MENT

REF: A. TOKYO 1277

B. STATE 11137

C. IAEA VIENNA 0711

SUMMARY: IAEA AND JAPANESE NEGOTIATORS HAVE EACH EXPRESSED SATISFACTION WITH NEGOTIATION OF PARTS I AND II OF AGREEMENT. SIX ADDITIONAL MEMBERS OF JAPANESE NEGOTIATING TEAM ARRIVE DURING WEEKEND FEBRUARY 1-2, BRINGING WITH THEM PROPOSED PROTOCOL TEXT. KAWASHIMA REPORTED ILL AND WILL JOIN TEAM DURING WEEK. ACCORDING TO NODA, TEAM HEAD, COMPOSITION (AND SIZE OF TEAM) DICTATED BY NECESSITY INCLUDE REPS OF ALL FACTIONS ON NPT ISSUE, IN ORDER FACILITATE ACCEPTANCE OF PRODUCT AND THEREBY EXPEDITE NPT RATIFICATION. MISSION CAUTIOUSLY OPTIMISTIC THAT SUCCESSFUL NEGOTIATIONS WILL BE COMPLETED BY TARGET DATE OF FEBRUARY 7, WHICH MIGHT JUST MAKE FEBRUARY 25 BOARD GOVS MEETING AGENDA. END SUMMARY.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 IAEA V 00895 031621Z

1. NODA, FONMIN, AND HAGINOYA, MITSUBISHI, CALLED ON MISSION JANUARY 28. THEY WERE FRANK IN DESCRIBING DELICATE NEGOTIATING TASK: TO BRING BACK AGREEMENT TEXT WHICH COULD BE PORTRAYED AS "SAME AS EURATOM-IAEA AGREEMENT" AND, AT SAME TIME, ONE WHICH WILL ACHIEVE SPEEDY APPROVAL BY IAEA BOARD GOVS. NODA ADMITTED THAT VARIETY OF VIEWS WOULD BE REPRESENTED ON HIS TEAM AND NOTED THAT TEXT OF PROTOCOL WAS STILL UNDER DISCUSSION IN TOKYO. HAGINOYA CHARACTERIZED LIKELY PROTOCOL TEXT AS SIMILAR TO THAT IN EURATOM-IAEA AGREEMENT "BUT SHORTER". NODA STATED THAT HE HAD GIVEN DRAFT TEXT OF PARTS I AND II, BASED LARGELY ON EURATOM-IAEA AGREEMENT TO IAEA TEAM.

2. NODA SAID THAT HE HOPED TO COMPLETE SUBSTANTIAL PART OF NEGOTIATION OF PARTS I AND II BY JANUARY 31 AND THAT DURING WEEK OF FEBRUARY 3, WITH FULL TEAM ON HAND (9 FROM TOKYO PLUS 2 OR 3 FROM LOCAL MISSION), PARALLEL NEGOTIATION OF PROTOCOL TEXT AND GENERAL PRINCIPLES FOR SUBSIDIARY ARRANGEMENTS (BUT NOT CALCULATION OF EXAMPLES) WOULD BE GOING ON.

3. MISSION SUBSEQUENTLY OBTAINED COPY OF INITIAL DRAFT TEXT OF PARTS I AND II PRESENTED BY NODA TO IAEA TEAM ON JANUARY 27. USSR MISSION ALSO UNDERSTOOD TO HAVE OBTAINED COPY, THEREBY SAVING WEAR AND TEAR ON IAEA REPRODUCING MACHINES.

4. IAEA TEAM GAVE REACTION TO JAPANESE DRAFT TEXT IN LENGTHY SESSION ON JANUARY 30. REPORTS FROM BOTH IAEA AND NODA WERE FAVORABLE. NODA TOLD MISOFFS SUBSEQUENTLY THAT IAEA HAD BEEN VERY COOPERATIVE AND IMAGINATIVE IN DEVISING FORMULAE TO MEET JAPANESE POINTS AND THAT HE WAS IMPRESSED BY SERIOUS AND PROFESSIONAL QUALITY OF IAEA TEAM, INCLUDING BERANEK, CZECH NATIONAL, TO HIS PLEASANT SURPRISE. (NODA'S PREVIOUS ASSIGNMENT WAS IN PRAGUE.) HE SAID HE HAD REPORTED TO TOKYO IAEA'S COUNTER-SUGGESTIONS IN EXTENSO. MISOFF'S IMPRESSION WAS THAT HE MADE FAVORABLE RECOMMENDATIONS.

5. COMMENTS TO MISOFFS BY BOTH SIDES INDICATE THAT RAPPORT
CONFIDENTIAL

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PAGE 03 IAEA V 00895 031621Z

IS EXCELLENT AND THAT EACH IS SHOWING NECESSARY UNDERSTANDING OF OTHER'S LIMITATIONS AND NECESSITIES, WITHOUT POSTURING AND RAISING OF TOTEMS WHICH CHARACTERIZED EURATOM-IAEA NEGOTIATIONS.

6. EXISTENCE OF IAEA'S STANDARD TEXT OF NPT SAFEGUARDS AGREEMENTS, GOV/INF/276, PUBLISHED AUGUST 1974, HAS APPARENTLY BEEN SKILLFULLY USED IN NEGOTIATION BY IAEA

TEAM, PARTICULARLY PROCEDURE LAID DOWN IN THAT DOCUMENT WHEREBY BOARD IS PRESENTED ONLY WITH TEXT OF THOSE SPECIFIC ARTICLES WHICH DEVIATE FROM STANDARD. NODA RECOGNIZES THAT EVERY DEVIATION WILL THUS BE SPOTLIGHTED FOR BOARD AND WILL REQUIRE JUSTIFICATION.

8. USSR MISOFFS, ON JANUARY 29, TOOK OPPORTUNITY TO RAISE WITH MISOFFS MATTER OF JAPAN-IAEA NEGOTIATIONS AND QUESTIONED WHETHER JAPAN SHOULD BE ENTITLED TO SAME KIND OF AGREEMENT AS EURATOM SINCE, AFTER ALL, EURATOM HAD A MULTINATIONAL SAFEGUARDS SYSTEM* SUCH SKEPTICAL VIEWS, WE ARE CERTAIN, WILL FIND THEIR WAY TO NODA.

9. MISSION FORESEES POSSIBLE DIFFICULTY, PARTICULARLY ON JAPANESE SIDE DURING WEEK FEBRUARY 3, IN VIEW OF DISPARATE VIEWS OF INDIVIDUAL TEAM MEMBERS AND IF PARALLEL NEGOTIATIONS ARE UNDERTAKEN, AS VISUALIZED BY NODA. HE HAS SHOWN HIS INTELLIGENCE AND FLEXIBILITY (AND SAYS HIS INSTRUCTIONS GIVE HIM CONSIDERABLE DISCRETION). IF HE CAN MAINTAIN LEADERSHIP AND DISCIPLINE, SAILING SHOULD BE SMOOTH. BUT HE ACKNOWLEDGES THAT HE IS BEYOND HIS DEPTH WITH TECHNICAL ISSUES, WHICH WILL COME UP IN DISCUSSION OF SUBSIDIARY ARRANGEMENTS, AND WE EXPECT THAT HE WILL DELEGATE LEADERSHIP OF THOSE DISCUSSIONS TO SOMEONE ELSE (IMAI). IF THERE ARE TO BE FIREWORKS, THAT WILL BE THE SITE, KEEPING IN MIND THAT THERE ARE THOSE IN BOTH IAEA SECRETARIAT AND ON JAPANESE TEAM WHO VIEW WITH CONCERN CNTEMPT OR THE TECHNICAL PRINCIPLES UPON WHICH EURATOM-IAEA SUBSIDIARY ARRANGEMENTS ARE BASED. VIEWS RE HOW TO CORRECT THOSE SHORTCOMINGS, HOWEVER, DIVERGE SHARPLY, WITH SECRETARIAT CRITICS EAGER TO EXPAND AGENCY'S INSPECTION PREROGATIVES, REGARDLESS OF WHAT JAPAN UNDERTAKES TO DO, AND JAPANESE DETERMINED TO HOLD AGENCY'S PREROGATIVES TO EXACTLY
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 IAEA V 00895 031621Z

THOSE IN EURATOM AGREEMENT WHILE DECREASING JAPANESE INSPECTION OBLIGATIONS. MAIN EVENT IN THAT CONTEST SHOULD OCCUR DURING FUTURE DETAILED NEGOTIATION OF SUBSIDIARY ARRANGEMENTS (NPT PROVIDES FOR 18 MONTHS AFTER ADHERENCE TO TREATY, TO BRING SAFEGUARDS AGREEMENT IN FORCE; STANDARD SAFEGUARDS AGREEMENT PROVIDES FURTHER 3 MONTHS TO COMPLETE SUBSIDIARY ARRANGEMENTS AFTER AGREEMENT COMES INTO FORCE.) BUT SKIRMISH COULD BREAK OUT DURING NEGOTIATION OF "GENERAL PRINCIPLES".

10. HOPEFUL NOTE IS THAT JAPANESE ARE REPORTED TO HAVE INDICATED TO IAEA TEAM THAT THEIR PROPOSED TEXT OF PROTOCOL WILL FOLLOW OUTLINE DEVELOPED JOINTLY BY IAEA AND JAPAN IN TOKYO IN NOVEMBER 1973. IF THAT IS CASE, NEGOTIATIONS COULD BE CONCLUDED QUICKLY, FREEING NODA TO

HEAD DISCUSSIONS OF "GENERAL PRINCIPLES" FOR SUBSIDIARY ARRANGEMENTS. DISARRAY IN JAPAN RE ITS NATIONAL SYSTEM (BUREAUCRATIC RESPONSIBILITY, STAFFING, BUDGET, ETC.) MAY ALSO INHIBIT JAPANESE, BUT WE DOUBT THAT IMAI, FOR EXAMPLE, WILL FEEL RESTRAINED.

11. MISSION WILL CONTINUE TO MAINTAIN CLOSE CONTACT WITH BOTH SIDES, BUT WE DO NOT VISUALIZE ANY SERIOUS DIFFICULTY DEVELOPING IN NEGOTIATING TEXTS OF PARTS I AND II AND PROTOCOL, BASED UPON SITUATION TO DATE. WE HAVE NO INTENTION, IN ANY EVENT, OF INJECTING OURSELVES INTO THE NEGOTIATIONS IN ANY DIRECT OR OBVIOUS WAY, BUT WILL BE GENEROUS WITH ADVICE TO BOTH SIDES IF, AS AND WHEN CALLED FOR.

12. NODA SAYS HE IS UNDER STRONG INSTRUCTIONS TO HAVE AGREEMENT CONSIDERED BY FEBRUARY 25 BOARD GOVS MEETING. THIS IS BARELY POSSIBLE, EVEN IF NEGOTIATIONS ARE COMPLETED BY FEBRUARY 7, ALLOWING FOR UP TO FOUR OR FIVE WORKING DAYS REQUIRED FOR TRANSLATIONS AND PUBLICATION. (WE HAVE POINTED OUT TO NODA THAT THE FEWER THE DEVIATIONS FROM THE STANDARD TEXT, THE SHORTER THAT TIME WILL BE.) THEREFORE, NODA AND IAEA HAVE DISCUSSED CONTINGENCY PLAN FOR SPECIAL BOARD MEETING IN EARLY MARCH. NODA SAID HE HAS QUERIED TOKYO RE LATEST POSSIBLE DATE BY WHICH BOARD APPROVAL NEEDED; HE HAS PREVIOUSLY MENTIONED MARCH 14 AS CONFIDENTIAL

CONFIDENTIAL

PAGE 05 IAEA V 00895 031621Z

LATEST DATE FOR SUBMISSION OF NPT TO DIET, WHICH MIGHT ALLOW FOR SPECIAL BOARD AS LATE AS MARCH 10, IF NECESSARY.

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